

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>TIMOTHY LEE GRIER,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>No. 24-cv-2751</b>
	:	
<b>CHRISTOPHER HALL, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of September, 2024, upon consideration of Plaintiff Timothy Lee Grier's Motion to Proceed *In Forma Pauperis* (ECF No. 1), prisoner trust fund account statement (ECF No. 2), and *pro se* Complaint (ECF No. 5), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Timothy Lee Grier, #1988-0711, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Berks County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Grier's inmate account; or (b) the average monthly balance in Grier's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Grier's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Grier's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to **SEND** a copy of this Order to the Warden of the Berks County Prison.

4. The Complaint is **DEEMED** filed.

5. Grier's Amended Complaint (ECF No. 8) is **STRICKEN** for the reasons set forth in the Court's Memorandum. The Clerk of Court is **DIRECTED** to **TERMINATE** Jason Glassner, who is identified as a Defendant in the Amended Complaint but not in the original Complaint, as a Defendant. The Clerk is **FURTHER DIRECTED** to correct the name of "Dominick E. Scott" to read "Scott E. Dominick."

6. The Complaint is **DISMISSED IN PART** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum as follows:

- a. Grier's claims against the Berks County District Attorney's Office and the Berks County Prosecutor, his property loss claim, and his illegal search claim against Christopher Hall are **DISMISSED WITH PREJUDICE**. The Clerk of Court is **DIRECTED** to **TERMINATE** the Berks County District Attorney's Office as a Defendant.
- b. Grier's claim seeking release from prison and dismissal of the criminal charges against him are **DISMISSED WITHOUT PREJUDICE** to him proceeding on a petition for a writ of *habeas corpus*.
- c. Grier's malicious prosecution claim is **DISMISSED WITHOUT PREJUDICE**. Grier may reassert this claim in a new civil action in the event the pending criminal charges ultimately terminate in his favor.

7. Any other claims Grier seeks to pursue under 42 U.S.C. § 1983 are **STAYED**, pursuant to the abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), until Grier informs the Court that his state court criminal case, *Commonwealth v. Grier*, CP-06-CR-1574-2024 (C.P.

Berks), has been resolved. Following resolution of his criminal case, Grier may file a motion to reassert those claims.

**BY THE COURT:**

*/s/ Joseph F. Leeson, Jr.*

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**JOSEPH F. LEESON, JR.**  
**United States District Judge**